BILL NO. Z-84-05-09

ZONING MAP ORDINANCE NO. Z-11-84

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-46.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a P.O.D. (Planned Office District) under the terms of Chapter 33, of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the Southwest Quarter, Section 12, Township 31 North, Range 12 East, Allen County, State of Indiana, more particularly described as follows:

Commencing at the southwest corner of said Section 12, being the intersection of Coldwater Road and Cook Road; thence North 00 degrees, 39 minutes, 27 seconds West, a distance of 235.0 feet along the west line of Section 12 and the centerline of Coldwater Road to the Point Of Beginning; thence continuing along said west line of Section 12 and the centerline of Coldwater Road, North 00 degrees, 39 minutes, 27 seconds West, a distance of 158.10 feet to the centerline of Branch Number 1 of the Kruse Drain; thence North 86 degrees, 01 minutes 10 seconds East, a distance of 628.26 feet along said centerline of the Kruse Drain; thence North 78 degrees, 29 minutes, 17 seconds East, a distance of 351.27 feet along said centerline to the Northwest corner of Lot Number 7 in Wheatridge, Section I, as recorded in Plat Book 42, Pages 118-123 in the Office of the Allen County Recorder; thence South 00 degrees, 10 minutes, 40 seconds East, a distance of 504.06 feet along the west boundary of Wheatridge, Section I, to a point on the south line of Section 12, also being the centerline of Cook Road, also being the southwest corner of the Plat of Wheatridge, Section I; thence South 89 degrees, 50 minutes, 18 seconds West, a distance of 363.0 feet along the south line of Section 12 and the centerline of Cook Road; thence North 00 degrees, 39 minutes, 27 seconds West, a distance of 235.0 feet, being 605.0 feet easterly of and parallel to the west line of said Section 12; thence South 89 degrees, 50 minutes, 18 seconds West a distance of 605.0 feet to the Point Of Beginning, being 235 feet northerly of and parallel to said south line of Section 12; containing 6.39 acres of land, more or less, and subject to all rights-of-way and easements

and the symbols of the City of Fort Wayne Zoning Map No. N-46, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Brad Bradbury, seconded by Gia Quinta, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E.S.

DATE: 5-15-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Brad Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 6-12-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE ~~(RESOLUTION)~~ NO. S-11-84 on the 12th day of June, 19 84,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Ray A Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of June, 19 84, at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of June, 19 84, at the hour of 4:00 o'clock P.M.,E.S.T.

WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Stone Point Realty
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an POD District the property described as follows:

See Attached Survey

(Legal Descrption) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Stone Point Realty		X
Thomas J. Eckrich	1315 Directors Row	
	Ft. Wayne, IN 46808	
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at wh it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that a ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the ma for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

Orrin R. Sessions	6700 E. State Blvd.	219-749-0425
(Name)	(Address & Zip Code) Ft. Wayne, IN 46815	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

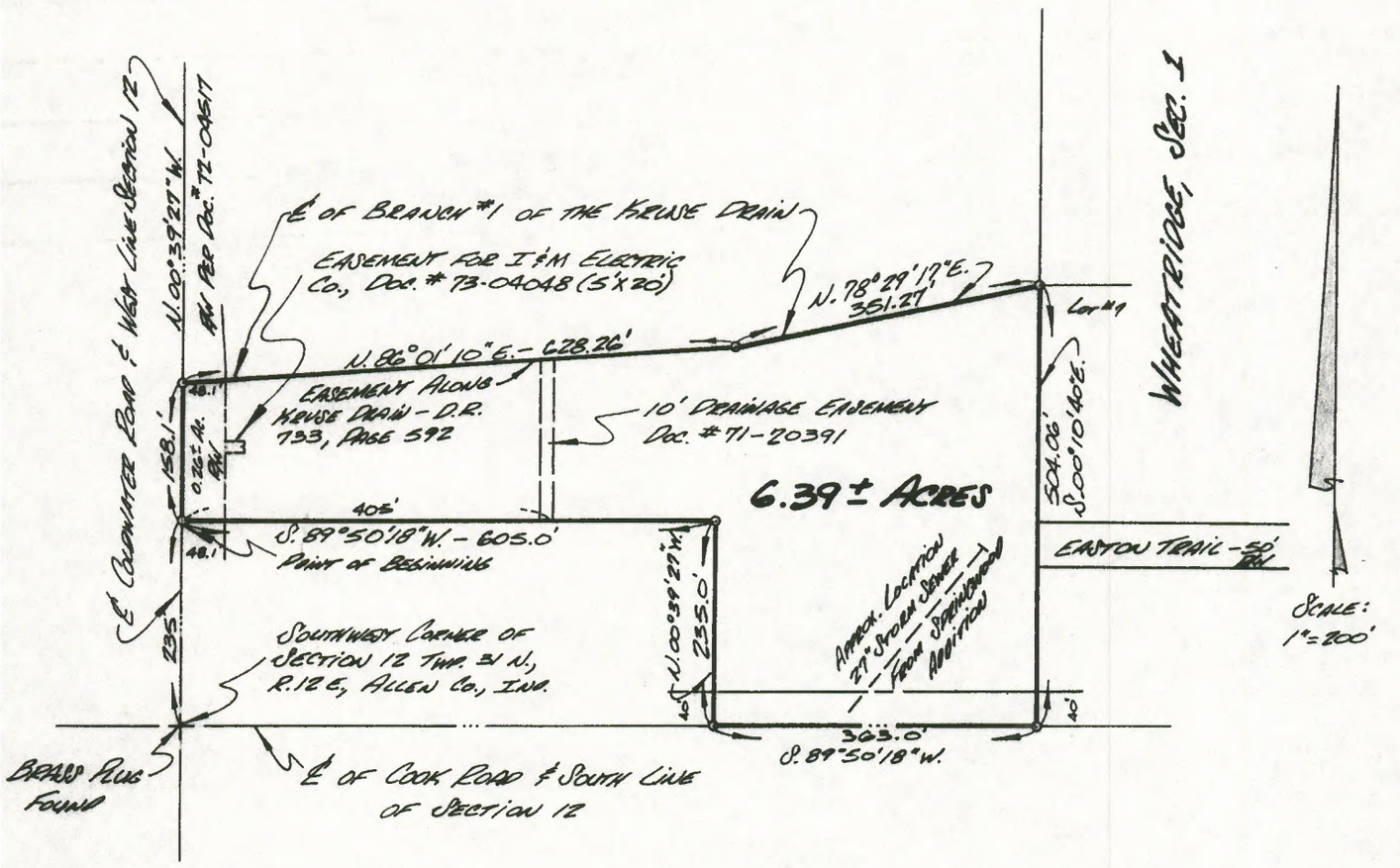
Applicants, Property owners and preparer shall be notified of the Public Hear approximately ten (10) days prior to the meeting.

CERTIFICATE OF SURVEY

Office of
RONALD L. BONAR & ASSOCIATES, INC.
Engineering, Surveying, Planning
Fort Wayne, Indiana

Ronald L. Bonar
Land Surveyor #12057

The undersigned Land Surveyor, registered as provided by an act of the General Assembly of the State of Indiana, hereby certifies that he has made a resurvey of the real estate depicted and described below. Measurments were made in feet and decimals and the corners were perpetuated as shown, in conformity with the plat and deed record thereof in the office of the Recorder of Allen County, Indiana. No encroachment existed, except as noted. The description of the real estate is as follows, to wit: (see attached legal description.)



RONALD L. BONAR REGISTERED No. 12057 STATE OF INDIANA LAND SURVEYOR

Job No. 8084

For Mid America Corp.

IN WITNESS WHEREOF, I hereunto place my hand and seal this 14th day of July, 19 80

Ronald L Bonar

LEGAL DESCRIPTION

6.39± ACRES

Part of the Southwest Quarter, Section 12, Township 31 North, Range 12 East, Allen County, State of Indiana, more particularly described as follows:

Commencing at the southwest corner of said Section 12, being the intersection of Coldwater Road and Cook Road; thence North 00 degrees, 39 minutes, 27 seconds West, a distance of 235.0 feet along the west line of Section 12 and the centerline of Coldwater Road to the Point Of Beginning, thence continuing along said west line of Section 12 and the centerline of Coldwater Road, North 00 degrees, 39 minutes, 27 seconds West, a distance of 158.10 feet to the centerline of Branch Number 1 of the Kruse Drain; thence North 86 degrees, 01 minute, 10 seconds East, a distance of 628.26 feet along said centerline of the Kruse Drain; thence North 78 degrees, 29 minutes, 17 seconds East, a distance of 351.27 feet along said centerline to the northwest corner of Lot Numbered 7 in Wheatridge, Section I, as recorded in Plat Book 42, Pages 118-123 in the Office of the Allen County Recorder; thence South 00 degrees, 10 minutes, 40 seconds East, a distance of 504.06 feet along the west boundary of Wheatridge, Section I, to a point on the south line of Section 12, also being the centerline of Cook Road, also being the southwest corner of the Plat of Wheatridge, Section I; thence South 89 degrees, 50 minutes, 18 seconds West, a distance of 363.0 feet along the south line of Section 12 and the centerline of Cook Road; thence North 00 degrees, 39 minutes, 27 seconds West, a distance of 235.0 feet, being 605.0 feet easterly of and parallel to the west line of said Section 12; thence South 89 degrees, 50 minutes, 18 seconds West a distance of 605.0 feet to the Point Of Beginning, being 235 feet northerly of and parallel to said south line of Section 12; containing 6.39 acres of land, more or less, and subject to all rights-of-way and easements.

Mid-America Corp.
July 10, 1980
Ronald L. Bonar & Assoc., Inc.

SURVEY NO. 8084

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 15, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-05-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such ordinance on May 14, 1984;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 21, 1984.

Certified and signed this
22nd day of May 1984.

Melvin O. Smith
Secretary

BILL NO. Z-84-05-09

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-46

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN — Janet G. Bradbury

SAMUEL J. TALARICO, VICE CHAIRMAN — Samuel J. Talarico

CHARLES B. REDD — Charles B. Redd

MARK E. GiaQUINTA

JAMES S. STIER

CONCURRED IN 6-12-84
SANDRA E. KENNEDY, CITY CLERK

Prescribed by State Board of Accounts

4.6. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 35?

RECEIPT

No 10668

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., April 13 1984

RECEIVED FROM Mid-American Corp. - Admin $ 50.00

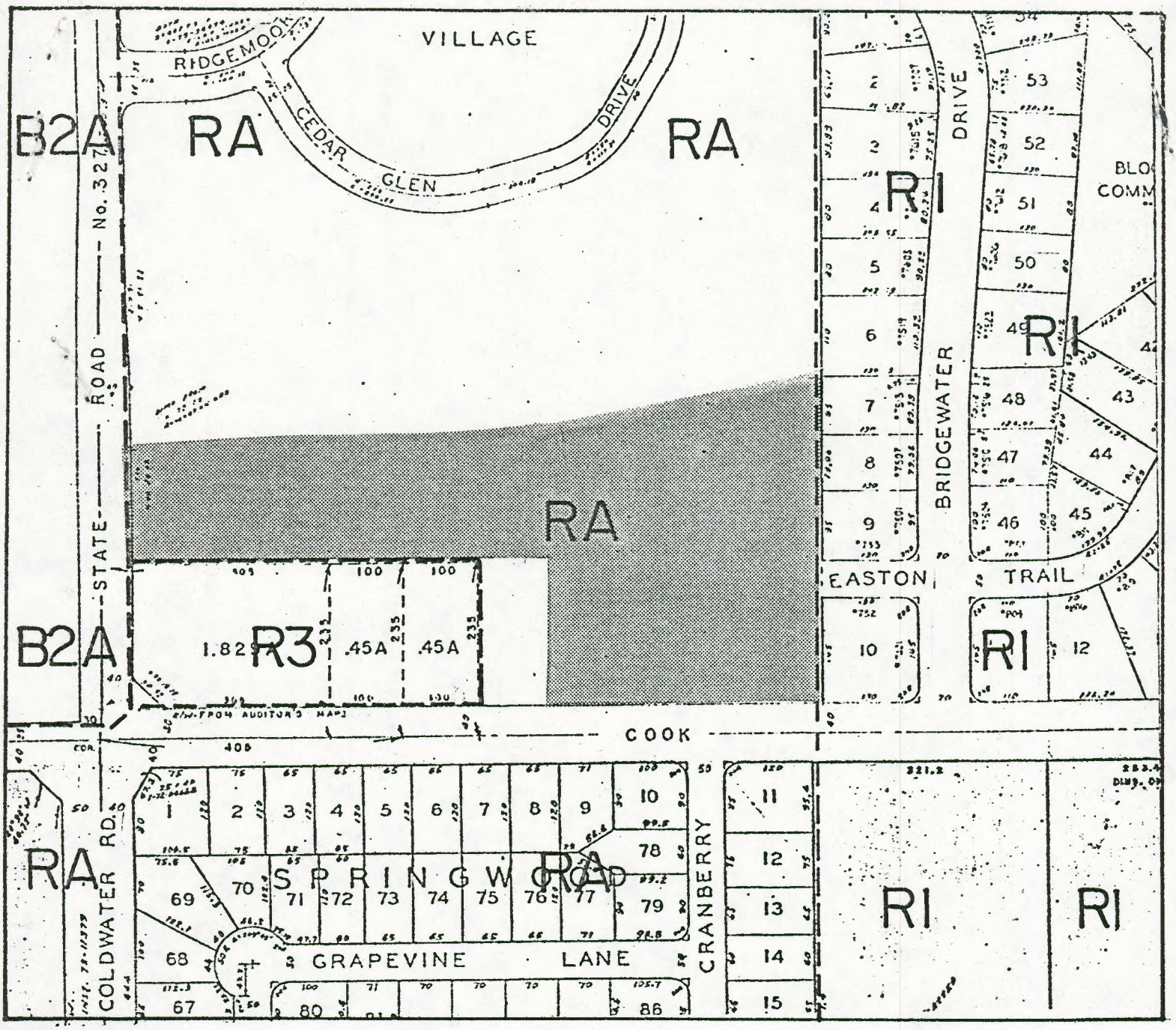
THE SUM OF Fifty Dollars 00/100 DOLLARS

ON ACCOUNT OF P.U.D. Rezoning Application

327 E. Cook Rd.

Gary Bachs

AUTHORIZED SIGNATURE



A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN RA TO A POD DISTRICT.

MAP NO. N-46

Z-84-05-09

N

4-18-84

The City of Fort Wayne

DIVISION OF LAND USE MANAGEMENT
Department of Community Development & Planning

22 May 1984

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held May 21, 1984. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-84-05-09

2. From RA to POD

3. Intended Use: Mid America Corporation, Office Complex

4. Plan Commission Recommendation: DO PASS

   This ordinance received a DO PASS recommendation for the following reason:

REASON: The value or the area adjacent to this property will not be adversely affected by this project.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten
Senior Planner

GFB:pb

Attachments

ORIGINAL

Admn. Appr. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P 3-84-05-09

SYNOPSIS OF ORDINANCE A 6.39 acre parcel located on the northeast corner of Coldwater and Cook Roads.

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential. Property will become POD - Planned Office Development.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____